

STATE OF NEW YORK

7261

2023-2024 Regular Sessions

IN SENATE

May 19, 2023

Introduced by Sen. HOYLMAN-SIGAL -- read twice and ordered printed, and when printed to be committed to the Committee on Health

AN ACT to amend the public health law, in relation to foreign adoptions

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

1 Section 1. Section 4138-b of the public health law, as amended by
2 chapter 395 of the laws of 2012, is amended to read as follows:

3 § 4138-b. Birth certificate: foreign [~~country~~] adoption. 1. Whenever
4 the [~~adoption or~~] finalization of a foreign adoption or recognition of a
5 foreign adoption of a [~~child~~] person of any age pursuant to section one
6 hundred eleven-c of the domestic relations law, or the adoption of a
7 foreign-born person over the age of eighteen at the time of adoption has
8 been reported to the commissioner, the commissioner shall file a birth
9 certificate for the [~~child~~] adopted person provided there is no other
10 birth certificate or other birth record on file other than in the coun-
11 try where such [~~child~~] person was born and provided, further, that a
12 certificate of birth data does not exist for that person. Such birth
13 certificate shall be filed upon receipt of: proof that the adoptive
14 parent was a resident of this state at the time of adoption or that the
15 adoptee was lawfully adopted within the State of New York; if the adop-
16 tee was adopted in a foreign country or jurisdiction, a copy of the
17 adoption documents of the jurisdiction or country in which the [~~child~~]
18 person was adopted; a certified translation of the foreign adoption
19 documents, evidence of the date and place of the [~~child's~~] adopted
20 person's birth; and evidence of IR-3, IR-4 or IH-3 immigrant visa status
21 or a successor immigrant visa status. The birth certificate shall
22 include the [~~child's~~] adopted person's name, sex, date of birth, time of
23 birth, place of birth, mother's maiden name, and father's name. A birth
24 certificate [~~for a foreign country adoption~~] issued pursuant to this
25 section which has been filed by a local registrar and all supporting

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

LBD11546-01-3

1 documentation shall be submitted by the local registrar to the commis-
2 sioner who shall file a new birth certificate pursuant to this section.

3 2. A petitioner may submit an attorney certified copy of the adoptee's
4 foreign birth certificate, or similar confirmation of birth, and
5 adoption decree, and copies of attorney certified translations of the
6 foreign documentation in connection with the finalization of a foreign
7 adoption or recognition of a foreign adoption pursuant to section one
8 hundred eleven-c of the domestic relations law.

9 3. This provision shall be deemed retroactive so that an adopted
10 person who was adopted in accordance with this section prior to the
11 effective date hereof may obtain, upon application, a birth certificate
12 pursuant to this section.

13 § 2. This act shall take effect on the thirtieth day after it shall
14 have become a law.